

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUS ALVAREZ-MEJIA,

Plaintiff,

vs.

1: 05 CV 0545 LJO WMW PC

ORDER RE MOTION (DOC 25)

D. CANO,

Defendant.

On July 23, 2008, Plaintiff filed a document titled as a notice by Plaintiff, "Excepting Defendants Taking of Deposition as Scheduled and Plaintiff's Request for the Assistance of a Spanish-Speaking Interpreter." On July 25, 2008, Defendant Cano filed a response, construing the request as a motion for a protective order and opposing the issuance of a protective order. The Court finds that good cause does not exist for the issuance of a protective order.

On September 15, 2008, Plaintiff filed a motion titled as "Plaintiff's Motion to be Advised Why Defendant Failed to Appear for Defendant's Taking of Plaintiff's Deposition on August 21, 2008 as Ordered by the Court." Defendant filed a response.

In his response, Defendant indicates that the deposition did not occur because Plaintiff has never communicated with Defendant's counsel accepting her offer to make an interpreter available for his deposition. Defendant also thought it prudent to wait on the Court's ruling on

1 the request for a protective order. Defendant further notes that the offer to make an interpreter
2 available stands. Plaintiff need only communicate his willingness to accept this offer, and
3 Defendant will reschedule his deposition. The court denies Plaintiff's outstanding motions. The
4 only impediment to the taking of Plaintiff's deposition is Plaintiff's response to Defendant's
5 offer to make an interpreter available.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The request for a protective order is denied.
8 2. The motion filed on September 15, 2008, is denied.

9
10 IT IS SO ORDERED.

11 **Dated: September 26, 2008**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE